

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

IN RE:)	BANKRUPTCY CASE
)	
CHARLES EDWARD WILLIAMS,)	NO.: 23-12373-JDW
)	
Debtor.)	CHAPTER 13
)	
)	
)	

OBJECTION TO CONFIRMATION

COMES NOW Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Indenture Trustee of CIM Trust 2023-R3, by Fay Servicing, its servicer (hereinafter known as "Creditor"), a secured creditor holding a Deed of Trust against the real property commonly known as 1312 Country Church Rd, Ashland, MS 38642 (the "Property"), and for the reasons stated below, objects to confirmation of Debtor's First Amended Chapter 13 plan (Doc. No. 11) (the "Plan").

1.

The Amended Plan provides to pay Creditor's claim in full, listing a total secured debt in the amount of \$35,568.04 at 7% interest. However, there is no provision for Debtor to pay taxes and insurance directly to Creditor. The loan matures August 15, 2026, which is during the life of the bankruptcy case. The estimated payoff on the loan is \$35,568.04, and the Amended Plan states that the Plan will be amended consistent with the proof of claim. Creditor will file a proof of claim prior to the claim's deadline date. However, the Amended Plan does not contain a provision that Debtor will pay taxes and insurance directly.

2.

Creditor reserves the right to raise any failure of Debtor to timely make all payments under the Plan or required by the Plan, if at the time of the confirmation hearing that appears to be the case.

3.

Creditor requests that the Plan be amended to provide that Debtor make all payments for taxes and insurance directly.

WHEREFORE, Creditor prays that the Court will:

1. deny confirmation,
2. award reasonable attorney's fees, and
3. grant such other and further relief as is just and equitable.

/s/Karen A. Maxcy

Karen A. Maxcy
Mississippi BAR NO. 8869
Attorney for Creditor
McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076
678-321-6965

CERTIFICATE OF SERVICE

I, Karen A. Maxcy, of McCalla Raymer Leibert Pierce, LLC, do hereby certify that on this date, I served a copy the above OBJECTION TO CONFIRMATION filed in this bankruptcy matter on the following parties at the addresses shown, through the Court's ECF/CMF system, and/or via U.S. Mail First Class, postage prepaid and properly addressed, to-wit:

Charles Edward Williams
1312 Country Church Rd
Lamar, MS 38642

Robert Hudson Lomenick,
P.O. Box 417
Holly Springs, MS 38635

(served via ECF Notification)

Locke D. Barkley
6360 I-55 North
Suite 140
Jackson, MS 39211

(served via ECF Notification)

CERTIFIED, this the 28th day of August, 2023

/s/Karen A. Maxcy

Karen A. Maxcy